

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS
CO., LTD., and HITACHI ADVANCED
DIGITAL, INC.

Plaintiffs,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO., LTD., TPV INTERNATIONAL (USA),
INC., ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., and
VIZIO, INC.,

Defendants.

CIVIL ACTION NO. 2:10-CV-260-JRG

JUDGE: RODNEY GILSTRAP

DEFENDANTS' MOTION FOR ENTRY OF JUDGMENT AND TAXABLE COSTS

Defendants Top Victory Electronics (Taiwan) Co. Ltd., TPV International (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co., Ltd., TPV Electronics (Fujian) Co. Ltd., and TPV Technology Ltd. (collectively, "Defendants" or "TPV") respectfully request that the Court grant their Motion for Entry of Judgment and Taxable Costs, as set forth below.

On April 12, 2013, after a five-day jury trial, the jury found that Defendants have not infringed Claim 7 of U.S. Patent No. 7,286,310, Claims 26 or 30 of U.S. Patent No. 8,009,375, Claims 15 or 16 of U.S. Patent No. 5,502,497, or Claims 4 or 5 of U.S. Patent No. 6,549,243. (Dkt. No. 335 at 2.) The jury also found that Defendants proved by clear and convincing evidence that Claim 7 of U.S. Patent No. 7,286,310 and Claims 26 and 30 of U.S. Patent No. 8,009,375 are invalid. (*Id.* at 4.)

As the prevailing party in this litigation, Defendants are also entitled to their taxable costs as a matter of course, pursuant to Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920.

Accordingly, Defendants respectfully request that the Court grant their Motion for Entry of Judgment and Taxable Costs, and enter the judgment in the form attached hereto.

Dated: April 25, 2013

Respectfully submitted,

/s/ Mark A. Samuels

Mark A. Samuels (*Pro Hac Vice*) - Lead Counsel

Brian M. Berliner (*Pro Hac Vice*)

Ryan K. Yagura (*Pro Hac Vice*)

Vision L. Winter (*Pro Hac Vice*)

O'MELVENY & MYERS LLP

400 South Hope Street

Los Angeles, CA 90071-2899

Telephone: (213) 430-6000

Deron R. Dacus (Texas Bar No. 00790553)

THE DACUS FIRM, P.C.

821 ESE Loop 323, Suite 430

Tyler, TX 75701

Telephone and Fax: (903) 705-1117

Todd E. Landis (Texas Bar No. 24030226)

Eric J. Klein (Texas Bar No. 24041258)

AKIN GUMP STRAUSS HAUER & FELD LLP

1700 Pacific Avenue, Suite 4100

Dallas, TX 75201

Telephone: (214) 969-2800

Daniel L. Moffett (Texas Bar No. 24051068)

AKIN GUMP STRAUSS HAUER & FELD LLP

300 Covent Street, Suite 1500

San Antonio, TX 78205

Telephone: (210) 281-7000

Attorneys for Defendants Top Victory Electronics (Taiwan) Co., Ltd., TPV International (USA), Inc., TPV Electronics (Fujian) Co., Ltd., Top Victory Electronics (Fujian) Co., Ltd., TPV Technology Ltd., and Envision Peripherals, Inc.

CERTIFICATE OF CONFERENCE

To the extent Rule CV-7(h) requires a conference of the parties for this motion, Defendants asked Plaintiffs on April 24, 2013 whether they would join in this motion or if they would oppose it. Plaintiffs did not indicate one way or the other what their position was with respect to the motion. Defendants believe that this motion is opposed and that there are likely to be open issues for the Court to resolve.

/s/ Mark A. Samuels
Mark A. Samuels

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 25, 2013. All other counsel of record will be served via facsimile or first class mail.

/s/ Mark A. Samuels
Mark A. Samuels